

**Introduced by Senator Escutia**

February 17, 2005

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An act to add Section 11174.11 to the Penal Code, relating to elder death.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 397, as introduced, Escutia. Elder death review teams.

Existing law authorizes counties to establish an interagency elder death team to assist local agencies in identifying and reviewing suspicious elder deaths and facilitating communication among persons who perform autopsies and the various persons and agencies involved in elder abuse or neglect cases.

This bill would require every nursing facility within a county that has a county elder death review team to notify, as specified, the chair or chair designee of the team via fax or e-mail whenever there is a death of an elderly resident at the nursing facility. A violation of this requirement would be an infraction. By creating a new crime, this bill would impose a state-mandated local program upon local governments.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11174.11 is added to the Penal Code, to  
2 read:

3 11174.11. (a) Every nursing facility within a county that has a  
4 county elder death review team shall notify the chair or chair  
5 designee of the team via fax or e-mail whenever there is a death  
6 of an elderly resident of the nursing facility.

7 (b) The notification shall be made as soon as possible, but no  
8 later than 24 hours, after the death of the resident.

9 (c) The notification shall include the name of the resident,  
10 time of death, and location where the death occurred.

11 (d) A violation of this section is an infraction punishable by a  
12 fine not exceeding one thousand dollars (\$1,000).

13 SEC. 2. No reimbursement is required by this act pursuant to  
14 Section 6 of Article XIII B of the California Constitution because  
15 the only costs that may be incurred by a local agency or school  
16 district will be incurred because this act creates a new crime or  
17 infraction, eliminates a crime or infraction, or changes the  
18 penalty for a crime or infraction, within the meaning of Section  
19 17556 of the Government Code, or changes the definition of a  
20 crime within the meaning of Section 6 of Article XIII B of the  
21 California Constitution.